

1 RENE L. VALLADARES  
2 Federal Public Defender  
3 State Bar No. 11479  
4 NISHA BROOKS-WHITTINGTON  
5 411 E. Bonneville Avenue, Ste. 250  
6 Las Vegas, Nevada 89101  
7 Tel: (702) 388-6577  
8 Fax: (702)388-6261

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10 Attorney for:  
11 MATIAS PEREZ-SANVICENTE

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14 UNITED STATES DISTRICT COURT  
15 DISTRICT OF NEVADA

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17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 vs.  
20 MATIAS PEREZ-SANVICENTE,  
21 Defendant.

22 Case No.:2:12-MJ-220-PAL

23 **STIPULATION TO CONTINUE**  
**BENCH TRIAL**  
(First Request)

24 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United  
25 States Attorney, and Nadia Janjua Ahmed, Assistant United States Attorney, counsel for the United  
26 States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Whittington,  
27 Assistant Federal Public Defender, counsel for MATIAS PEREZ-SANVICENTE, that the bench trial  
currently scheduled on Wednesday, December 19, 2012 at 8:45 a.m., be vacated and be continued  
to a date and time convenient to the Court, but no earlier than sixty (60) days.

28 This Stipulation is entered into for the following reasons:

- 29 1. The defendant is not in custody and does not oppose the continuance.
- 30 2. The defendant recently injured his foot, which resulted in a third degree left foot
- 31 ulcer.
- 32 3. The parties have reached a proposed agreement that they plan to present to the
- 33 court at the next scheduled hearing date.

1       4.     Additionally, denial of this request for continuance could result in a miscarriage of  
2 justice. The additional time requested by this Stipulation is excludable in computing the time within  
3 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
4 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering  
5 the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6           This is the first request for a continuance of the bench trial.

7           DATED December 14, 2012

8           RENE L. VALLADARES  
9           Federal Public Defender

DANIEL G. BOGDEN,  
United States of Attorney

11           By/s/ Nisha Brooks-Whittington  
12           NISHA BROOKS-WHITTINGTON  
12           Assistant Federal Public Defender

11           By: /s/ Nadia Janjua Ahmed  
12           NADIA JANJUA AHMED  
12           Assistant United States Attorney

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,

2:12-MJ-220-PAL

5 Plaintiff,

6 vs.

FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND ORDER

7 MATIAS PEREZ-SANVICENTE,

8 Defendant.

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore,  
11 the Court finds that:

- 12 1. The defendant is not in custody and does not oppose the continuance.
- 13 2. The defendant recently injured his foot, which resulted in a third degree left foot
- 14 ulcer.
- 15 3. The parties have reached a proposed agreement that they plan to present to the
- 16 court at the next scheduled hearing date.

17 4. Additionally, denial of this request for continuance could result in a miscarriage of  
18 justice. The additional time requested by this Stipulation is excludable in computing the time within  
19 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States  
20 Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering  
21 the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

22 This is the first request for a continuance of the bench trial.

23 **CONCLUSIONS OF LAW**

24 The ends of justice served by granting said continuance outweigh the best interest of the  
25 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely  
26 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
27 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
28 exercise of due diligence.

1        The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
2 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
3 when the considering the facts under Title 18, United States Code, §§ 316(h)(7)(B) and  
4 3161(h)(7)(B)(iv).

## ORDER

7 IT IS THEREFORE ORDERED that the bench trial currently scheduled on  
8 Wednesday, December 19, 2012 at 8:45 a.m., be vacated and continued to  
9 Wednesday, February 20, 2013 at the hour of 8:45 a.m.;

11 DATED this 39<sup>th</sup> day of <sup>11</sup>11 F gego dgt . 20120

Terry A. Steen  
UNITED STATES MAGISTRATE JUDGE